

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELVIRA GARCIA GAMBOA,

Plaintiff,

v.

GREY HOUND BUS LINES, et al.

Defendants.

No. 2:23-cv-1411 DAD DB PS

ORDER

Plaintiff Elvira Garcia Gamboa is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On January 5, 2024, the undersigned issued an order granting defendants' motion to dismiss and granting plaintiff twenty-eight days to file an amended complaint. (ECF No. 20.) On February 21, 2024, plaintiff filed a motion for reconsideration. (ECF No. 22.)

Therein, plaintiff claims to have not received the January 5, 2024 order until after the running of the time to file an amended complaint. (*Id.* at 3.) In light of this representation, the undersigned will construe plaintiff's motion as a request for an extension of time to file an amended complaint and grant the motion.

That same day plaintiff filed a motion for mediation and a jury trial. (ECF No. 23.) At this time, however, the undersigned has found that defendants' motion to dismiss should be granted and plaintiff has been granted leave to file an amended complaint. Until the status of the

1 complaint is resolved, mediation and trial are premature. Plaintiff's motion, therefore, will be
2 denied without prejudice to renewal.

3 **CONCLUSION**

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's February 21, 2024 motion for reconsideration (ECF No. 22) is granted;
6 2. Within twenty-eight days from the date of this order, plaintiff shall file an
7 amended complaint that cures the defects noted in the order issued January 5, 2024; and
8 3. Plaintiff's February 21, 2024 motion for mediation (ECF No. 23) is denied without
9 prejudice to renewal.

10 Dated: April 18, 2024

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14 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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